

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARTHUR FRANTZ,

Plaintiff,

Case No. 04-CV-72904

vs.

HON. GEORGE CARAM STEEH

CITY OF PONTIAC, et al.,

Defendants.

ORDER DENYING DEFENDANT UNION'S RULE 12(b)(6) MOTION TO DISMISS  
SECOND AMENDED COMPLAINT (DOC. # 22) AND DISMISSING AS MOOT  
DEFENDANT CITY OF PONTIAC'S MOTION TO TEMPORARILY STAY DISCOVERY  
AND FOR THE SETTING OF A RULE 16 PRE-TRIAL CONFERENCE (DOC. # 24)

This case was before the court on June 2, 2005, for a hearing on defendant Local #376, Firefighters Union, International Association of Firefighters Affiliated with AFL-CIO's ("Union") motion to dismiss the second amended complaint, and defendant City of Pontiac's motion to temporarily stay discovery and for the setting of a Rule 16 pretrial conference.

For the reasons given on the record, and as there stated, the Union's motion to dismiss is hereby GRANTED IN PART and DENIED IN PART. Plaintiff is required to file a third amended complaint no later than 14 days after the date of the hearing.

Defendant City of Pontiac's motion is DISMISSED AS MOOT. The parties attended a status/scheduling conference after the hearing on the motions, at which it was agreed

that the response date for the pending motion for summary judgment, filed by plaintiff on May 19, 2005, is extended to August 15, 2005.

IT IS SO ORDERED.

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: June 13, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on June 13, 2005, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Secretary/Deputy Clerk